

**House Bill 2327**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Chapter 455, Transportation Code, is amended by adding Section 455.006 to read as follows:

Sec. 455.006. MOTOR-BUS-ONLY LANE PILOT PROGRAM. (a) The department, in consultation with the Department of Public Safety and in conjunction with the appropriate mass transit authorities and the municipalities served by those authorities, shall establish and operate a motor-bus-only lane pilot program for highways in Bexar, Denton, El Paso, and Travis Counties that are part of the state highway system and have shoulders of sufficient width and structural integrity.

(b) The program shall:

- (1) provide for the use by motor buses of highway shoulders as a low-speed bypass of congested highway lanes when the speed of vehicles being operated on the main traveled part of the adjacent highways is 35 miles per hour or less;
- (2) limit the maximum speed of a motor bus being operated on a motor-bus-only lane to the lower of:
  - (A) 15 miles per hour greater than the speed of vehicles being operated on the main traveled part of the adjacent highway; or
  - (B) 35 miles per hour;
- (3) provide for attainment of local operational experience with the conversion of existing highway shoulders to motor-bus-only lanes during peak traffic periods; and
- (4) include consideration of the following:
  - (A) safety;
  - (B) travel time and reliability;
  - (C) driver and passenger perceptions;
  - (D) level of service and maintenance; and
  - (E) capital improvements.

SENATE VERSION (IE)

SECTION 1. Chapter 455, Transportation Code, is amended by adding Section 455.006 to read as follows:

Sec. 455.006. MOTOR-BUS-ONLY LANE PILOT PROGRAM. (a) The department, in consultation with the Department of Public Safety and in conjunction with the appropriate metropolitan rapid transit authorities, county transportation authorities, municipal transit departments, and regional transportation authorities and the municipalities served by those mass transit entities, shall establish and operate a motor-bus-only lane pilot program for highways in Bexar, El Paso, Tarrant, and Travis Counties that are part of the state highway system and have shoulders of sufficient width and structural integrity.

(b) The program shall:

- (1) provide for the use by motor buses of highway shoulders as a low-speed bypass of congested highway lanes when the speed of vehicles being operated on the main traveled part of the adjacent highways is 35 miles per hour or less;
- (2) limit the maximum speed of a motor bus being operated on a motor-bus-only lane to the lower of:
  - (A) 15 miles per hour greater than the speed of vehicles being operated on the main traveled part of the adjacent highway; or
  - (B) 35 miles per hour;
- (3) provide for attainment of local operational experience with the conversion of existing highway shoulders to motor-bus-only lanes during peak traffic periods; and
- (4) include consideration of the following:
  - (A) safety;
  - (B) travel time and reliability;
  - (C) driver and passenger perceptions;
  - (D) level of service and maintenance; and
  - (E) capital improvements; and

CONFERENCE

**House Bill 2327**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

(c) The department shall also include in the program:

- (1) bus driver safety training;
- (2) public awareness and education;
- (3) bus operating rules that require bus drivers to yield to passenger cars and emergency vehicles; and
- (4) roadside signs and pavement markings indicating that affected lanes are reserved for public transit motor-bus-only use.

(d) The department, in coordination with appropriate transit authorities, shall fund the implementation of the program features under Subsection (c). Metropolitan rapid transit authorities that participate in the program shall reimburse the department for the funds spent on implementation of the program features. A metropolitan rapid transit authority that includes an advanced transportation district may use funds from the district to pay for expenses associated with the pilot program.

(e) The department shall initiate the motor-bus-only lane program as soon as practicable but not later than December 31, 2011. Not later than December 31, 2013, the department shall submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officer of each legislative standing committee with primary jurisdiction over transportation a written report that contains:

- (1) a description of the results of the program based on local operational experience described in Subsection (b)(3);
- (2) any recommendations for changes to the program; and
- (3) a plan on how the department will convert the program into a permanent program.

SENATE VERSION (IE)

(5) be limited only to public transit motor buses operated by the mass transit entities in the counties specified by Subsection (a).

(c) The department shall also include in the program:

- (1) bus driver safety training;
- (2) public awareness and education;
- (3) bus operating rules that require bus drivers to yield to passenger cars and emergency vehicles; and
- (4) roadside signs and pavement markings indicating that affected lanes are reserved for public transit motor-bus-only use.

(d) The department, in coordination with the appropriate mass transit entities under Subsection (a), shall fund the implementation of the program features under Subsection (c). Mass transit entities that participate in the program shall reimburse the department for the funds spent on implementation of the program features. A metropolitan rapid transit authority that includes an advanced transportation district may use funds from the district to pay for expenses associated with the pilot program.

(e) The department shall initiate the motor-bus-only lane program as soon as practicable but not later than December 31, 2011. Not later than December 31, 2013, the department shall submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officer of each legislative standing committee with primary jurisdiction over transportation a written report that contains:

- (1) a description of the results of the program based on local operational experience described in Subsection (b)(3);
- (2) any recommendations for changes to the program; and
- (3) a plan on how the department will convert the program into a permanent program.

CONFERENCE

**House Bill 2327**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

(f) Notwithstanding Subsection (a), the department may not establish or operate a motor-bus-only lane on a highway or toll facility maintained by a regional tollway authority established under Chapter 366 without the authority's consent.

SECTION 2. Section 542.002, Transportation Code, is amended to read as follows:

Sec. 542.002. GOVERNMENT VEHICLES. A provision of this subtitle applicable to an operator of a vehicle applies to the operator of a vehicle owned or operated by the United States, this state, or a political subdivision of this state, except as specifically provided otherwise by this subtitle [~~for an authorized emergency vehicle~~].

SECTION 3. Section 545.058(c), Transportation Code, is amended to read as follows:

(c) A limitation in this section on driving on an improved shoulder does not apply to:

- (1) an authorized emergency vehicle responding to a call;
- (2) a police patrol; [~~or~~]
- (3) a bicycle; or
- (4) a motor bus of a **transportation** entity described by Section 455.006 operating on a shoulder designated by the Texas Department of Transportation under that section.

SENATE VERSION (IE)

**(f) The department may cancel the program if the department finds evidence of a trend of increasing vehicle accidents attributable to operation of buses under the program.**

(g) Notwithstanding Subsection (a), the department may not establish or operate a motor-bus-only lane on a highway or toll facility maintained by a regional tollway authority established under Chapter 366 without the authority's consent.  
[FA1]

SECTION 2. Same as House version.

SECTION 3. Section 545.058(c), Transportation Code, is amended to read as follows:

(c) A limitation in this section on driving on an improved shoulder does not apply to:

- (1) an authorized emergency vehicle responding to a call;
- (2) a police patrol; [~~or~~]
- (3) a bicycle; or
- (4) a motor bus of a **mass transit** entity described by Section 455.006 operating on a shoulder designated by the Texas Department of Transportation under that section.

CONFERENCE

**House Bill 2327**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

SENATE VERSION (IE)

SECTION 4. Same as House version.

CONFERENCE